



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

Regulatory Branch (1145b)  
3437 Airport Way  
Suite 206  
Fairbanks, Alaska 99709-4777

PUBLIC NOTICE DATE: May 5, 2004

EXPIRATION DATE: June 5, 2004

REFERENCE NUMBER: POA-2004-428-4

WATERWAY NUMBER: Beaver Springs Slough

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Mr. David Ainley, North Star Subdivision, Post Office Box 56137, North Pole, Alaska 99705

AGENT: Mr. Gerald Koerner, Post Office Box 56881, North Pole, Alaska 99705

LOCATION: Section 15, T. 2 South, R. 2 East, Fairbanks Meridian, Latitude 64° 73' 93" N., Longitude 147° 31' 81" W.

WORK: Placement of approximately 1,250 cubic yards of clean soil and gravel fill material into 0.2 acres of Beaver Springs Slough, tributary of the Chena-Badger Slough, for the construction of a road crossing to a proposed material site, mechanized landclearing of 0.6 acres of wetlands during land clearing of ten acres, and filling of approximately 0.2 acres of wetlands from the temporary discharging of dredged material during the mining operation. All work would be done in accordance with the attached plans; sheets 1-4 dated March 2004.

PURPOSE: The primary project purpose is to supply aggregate material for the development of the North Star Subdivision. The aggregate material from this site may also be used in future development of other properties owned by the applicant and/or may be commercially sold.

ADDITIONAL INFORMATION: Three 36" diameter culverts would be placed on the Beaver Springs Slough channel bottom to maintain preconstruction downstream flow conditions. The proposed development would require mechanized land clearing of 10 acres of uplands and the deposit of fill material on approximately 1.0 acre of wetlands. The overburden and the aggregate stockpiles will be located predominately in uplands within or adjacent to the material site. The aggregate will be mined using dragline equipment. The site would be mined in two phases of approximately five acres each based upon material need. Additional discharge of dredge material will be limited to the temporary side casting of soils during mechanized land clearing and overburden removal operations.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of

the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area. Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. *et seq* and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS). We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources.

SPECIAL AREA DESIGNATION: None

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria

(see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Mr. Forrest E. McDaniel at (907) 474-2166, or email at [Forrest.E.McDaniel@poa02.usace.army.mil](mailto:Forrest.E.McDaniel@poa02.usace.army.mil) if further information is desired concerning this notice.

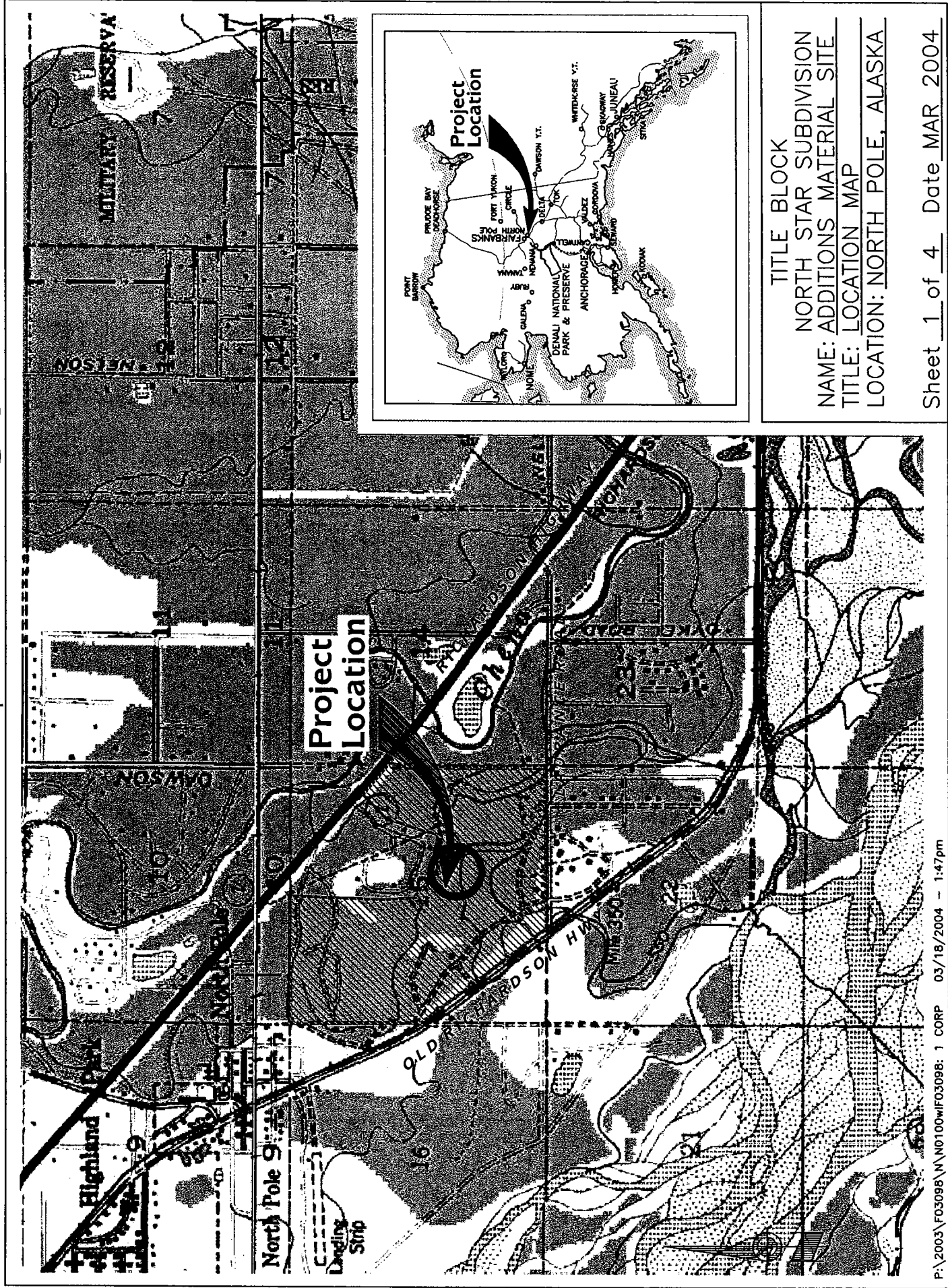
AUTHORITY: This permit will be issued or denied under the following authority:

Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

A plan and Notice of Application for State Water Quality Certification are attached to this Public Notice.

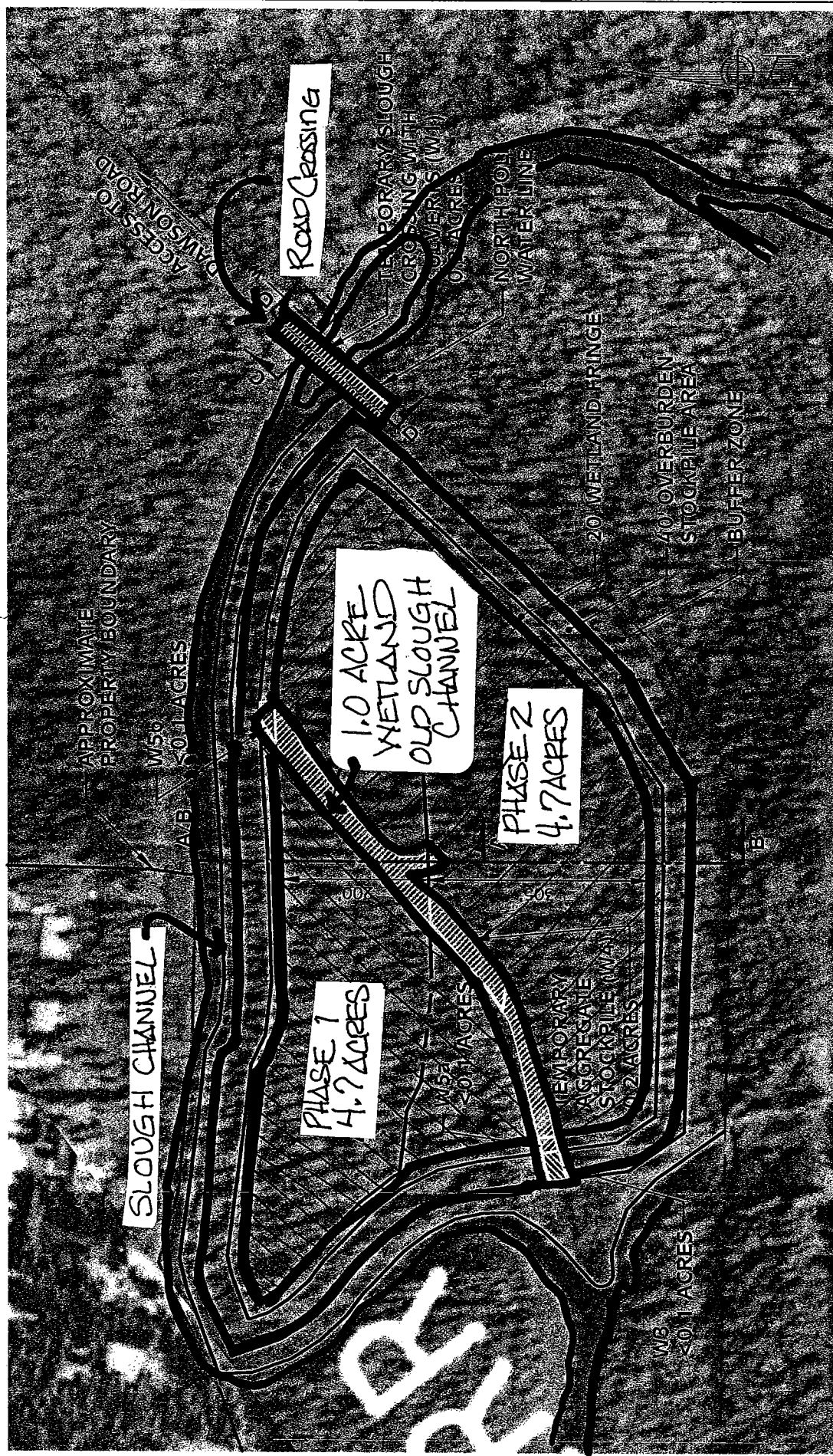
District Engineer  
U.S. Army, Corps of Engineers

Attachments



TITLE BLOCK  
NORTH STAR SUBDIVISION  
NAME: ADDITIONS MATERIAL SITE  
TITLE: LOCATION MAP  
LOCATION: NORTH POLE, ALASKA

POA-2004-428-4 DAVID ANLEY - NORTH STAR SUBDIVISION



**TITLE BLOCK**

NORTH STAR SUBDIVISION

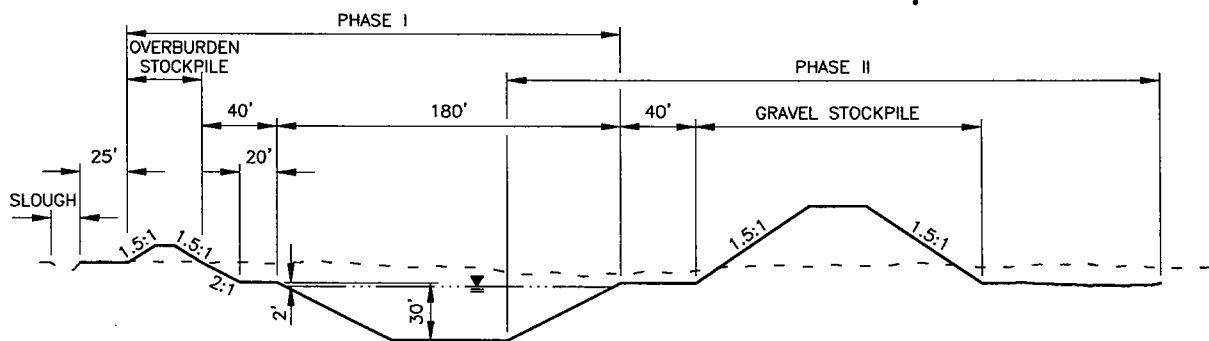
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**TITLE: PLAN VIEW**

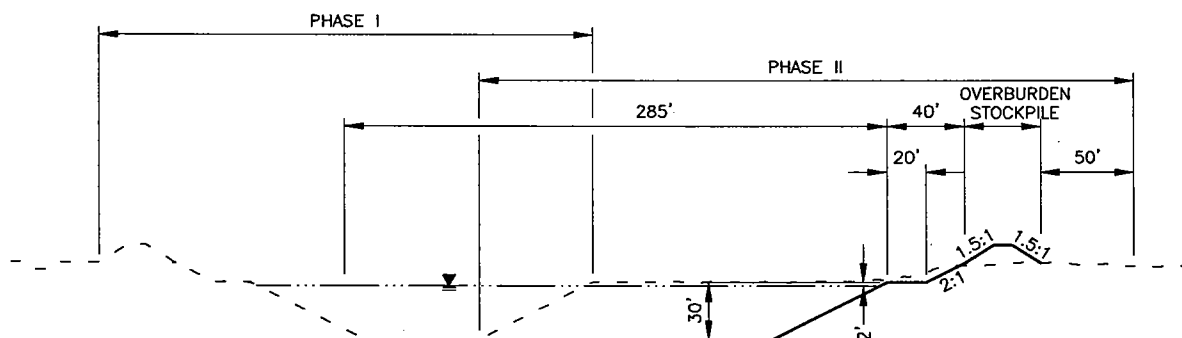
TITLE: LEAN VIEW  
LOCATION: NORTH POLE, ALASKA

Sheet 2 of 4 Date MAR 2004

POA-2004-428-4 DAVID ANLEY



PHASE I DEVELOPMENT TYPICAL SECTION  
SECTION A-A



PHASE II DEVELOPMENT TYPICAL SECTION  
SECTION B-B



RECLAMATION DEVELOPMENT TYPICAL SECTION  
SECTION B-B

TITLE BLOCK  
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NAME: ADDITIONS MATERIAL SITE  
TITLE: TYPICAL SECTIONS  
LOCATION: NORTH POLE, ALASKA

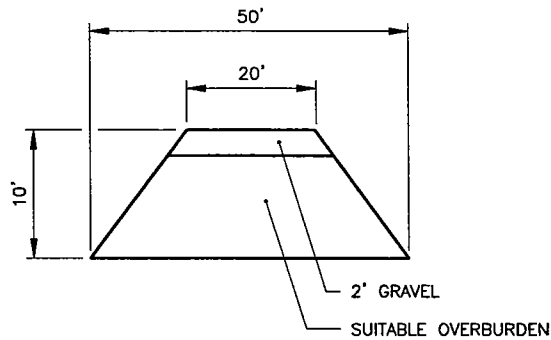
POA-2004-428-4

DAVID AINLEY

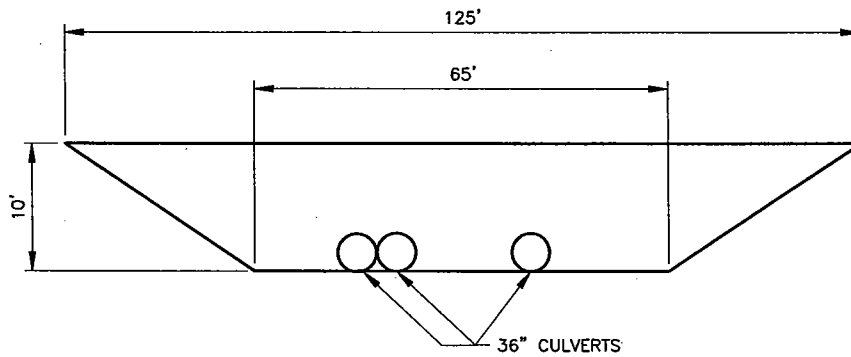
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APR 27 2004

CENPA-CO-R-N-FFO  
Alaska District Corps of Eng.



SLOUGH CROSSING: CROSS SECTION  
SECTION C-C



SLOUGH CROSSING: LONGITUDINAL SECTION  
SECTION D-D

TITLE BLOCK  
NORTH STAR SUBDIVISION  
NAME: ADDITIONS MATERIAL SITE  
TITLE: SLOUGH CROSSING  
LOCATION: NORTH POLE, ALASKA

# STATE OF ALASKA

OFFICE OF THE GOVERNOR

## DEPT. OF ENVIRONMENTAL CONSERVATION

### DIVISION OF WATER

Non-Point Source Water Pollution Control Program  
401 Certification Program

### NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-2004-428, Beaver Spring Slough** serves as application for a short-term variance of State Water Quality Certification from the Department of Environmental Conservation, as provided in Section 401 of the Clean Water Act of 1977 (PL 95-217).

The Department will review the proposed activity to ensure that, except for an allowed, short-term variance, any discharge to waters of the United States resulting from the referenced project will comply with the Clean Water Act of 1977 (PL95-217), the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

**Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:**

Department of Environmental Conservation  
WQM/401 Certification  
555 Cordova Street  
Anchorage, Alaska 99501-2617  
Telephone: (907) 269-7564  
FAX: (907) 269-7508